

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: HARRY L. PLATT ET AL. ART UNIT:
 SERIAL NO.: 10/009,907 EXAMINER:
 FILED: CONCURRENTLY HEREWITH
 P.C.T. APPLICATION NO.: PCT/AU00/00656
 PRIORITY CLAIMED: JUNE 10, 1999
 P.C.T. INTERNATIONAL FILING DATE: JUNE 9, 2000
 U.S. NATIONAL FEE PAID: DECEMBER 10, 2001
 TITLE: CYCLING EVENT AND AUTO-TRIGGER MEMORY HANDLING

PETITION TO REVIVE ABANDONED APPLICATION
 UNDER THE PROVISIONS OF 37 C.F.R. §1.137(b)

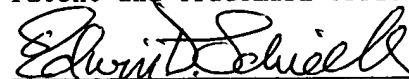
Hon. Commissioner for Patents
 United States Patent and Trademark Office
 Box PCT
 Washington, D. C. 20231

Dear Sir:

Applicants respectfully petition the Commissioner for Patents to revive the above-identified patent application, pursuant to 37 C.F.R. §1.137(b), on the ground that such application was unintentionally abandoned (i.e., the entire

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I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail - Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, Washington, D. C. 20231.



Edwin D. Schindler, Reg. No. 31,459

September 19, 2002
 Date

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period of delay in meeting the outstanding requirements for entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional) for the reasons specified in this Petition.

The above-identified P.C.T. international application, designating the United States, was filed on June 9, 2000, and validly claimed foreign priority on the basis of a patent application filed in Australia on June 10, 1999. A Demand for an International Preliminary Examination under Chapter II was timely filed, and the U.S. National Fee (small entity fee) for entry of the P.C.T. application into the United States was timely paid on December 10, 2001.

On February 4, 2002, the Patent and Trademark Office issued its "Notification of Missing Requirements under 35 U.S.C. 371," which set an extendable two-month deadline of April 4, 2002, for filing the requisite Declaration and remitting surcharge fee for filing the Declaration subsequent to the 30th-month deadline.

Notwithstanding the initial deadline and all possible extensions of such deadline under 37 C.F.R. §1.136(a), an originally-executed Declaration for this application was not received from the undersigned's Australian patent associate until after September 4, 2002, which was the five-month extendable deadline otherwise available under the foregoing Rule of Practice.

Thus, the above-identified patent application went "abandoned" after April 4, 2002, when the originally-executed Declaration and attendant surcharge fee for filing the Declaration were not filed with the Patent and Trademark Office for completing the entry of P.C.T. Application No. PCT/AU00/00656 into the U.S. National Phase.

It would seem that the undersigned's Australian patent associate has had some measure of difficulty in obtaining an executed Declaration from the inventors named in this application, as well as their co-pending applications before the PTO. Concurrent with the filing of this Petition to Revive for P.C.T. Application No. PCT/AU00/00656 (assigned U.S. Serial No. 10/009,907), Applicants are also filing a Declaration and remitting the surcharge and required extension fees for each of:

(a) P.C.T. Application No. PCT/AU00/00655 (assigned U.S. Serial No. 10/009,906) for which the Declaration is being filed and the surcharge paid along with a five-month extension of time in reply to the Notification of Missing Parts, dated February 19, 2002; and,

(b) P.C.T. Application No. PCT/AU00/00657 (assigned U.S. Serial No. 10/009,908) for which the Declaration is being filed and the surcharge paid along with a four-month extension of time in reply to the Notification of Missing Parts, dated March 19, 2002.

Previously, Applicants filed the Declaration and paid the requisite surcharge for:

(a) P.C.T. Application No. PCT/AU99/00955 (assigned U.S. Serial No. 09/831,030) on November 28, 2001, with a five-month extension of time, in response to the Notification of Missing Parts, dated May 23, 2001; and,

(b) P.C.T. Application No. PCT/AU00/00404 (assigned U.S. Serial No. 09/979,831) on Monday, August 19, 2002, with a five-month extension of time, in response to the Notification of Missing Parts, dated January 18, 2002.

It would appear that in this particular case, the undersigned's Australian patent associate was unable to meet even the five-month extendable deadline of September 4, 2002, for forwarding the Declaration for this application to the undersigned for filing with the Patent and Trademark Office, thereby necessitating the filing of this Petition to Revive. (See, E-Mails exchanged between Philip Young, Australian patent attorney, and the undersigned on August 28, 2002; enclosed with this Petition.)

The extension and petition fees paid by Applicants for this application and their other co-pending applications, such fees far exceeding the "standard" U.S. National Fees and surcharges required for such National Phase P.C.T. applications, strongly suggests, and safely allows the undersigned to declare, that the entire period of delay in filing the

Declaration and remitting the surcharge for this application was unintentional. The undersigned will again urge Applicants to make their best efforts to more timely complete the filings of their various U.S. National Phase P.C.T. applications.

In support of this Petition to Revive, Applicants hereby submit the following documents and a check in the amount of \$705.00 to cover the fees listed below:

1. The Petition to Revive fee of \$640.00 (Small Entity), as per 37 C.F.R. §1.17(m).
2. A proposed response to the outstanding requirement is enclosed, as follows:
 - (a) Copy of the "Notification of Missing Requirements under 35 U.S.C. 371," dated February 4, 2002;
 - (b) Declaration/Power of Attorney; and,
 - (c) The Surcharge fee of \$65.00 (Small Entity) for submission of the requisite Declaration more than 30 months from the claimed date of foreign priority.

The Office is hereby authorized to charge any additional fees which may be due in connection with the prosecution of the above-identified patent application to the undersigned's Deposit Account (Account No. 19-0450). A duplicate of this paper is enclosed for billing purposes.

With the concurrent submission of the foregoing docu-

ments and fees, Applicants respectfully submit that all outstanding requirements for entry of the above-identified P.C.T. international application into the U.S. National Phase are now satisfied.

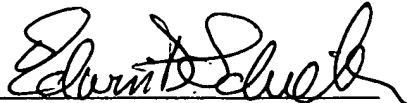
I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this petition is directed.

It is, therefore, respectfully submitted that the above-identified patent application should be held as being "unintentionally" abandoned, i.e., that the entire period of delay in filing the Declaration in completing the entry of the above-identified P.C.T. international application into the U.S. National Phase was unintentional, for the reasons specified in this Petition, and that prosecution of the above-identified P.C.T. international application should be resumed and accepted into the U.S. National Phase for a national patentability examination.

Such favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

HARRY L. PLATT ET AL.

By 
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September 19, 2002

The Commissioner is hereby authorized to charge the Deposit Account of Applicants' Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.